the automobile he lets to be operated upon the public highways has its steering gear in a reasonably safe condition, as injuries to other persons lawfully using the highways are reasonably to be foreseen as the probable result of a defective steering gear." *Collette* v. *Page* (R. I., 1921), 114 Atl. 136.

A manufacturer who is negligent in the manufacture of the articles he handles is not liable for his negligence to injured third parties who have no contractual relations with him. *Winterbottom* v. *Wright,* 10 M. & W. 107; *McCaffrey* v. *Mossberg Mfg. Co.,* 23 R. I. 381. *Contra: Schubert* v. *Clark,* 49 Minn. 331. An exception to this general rule is that a manufacturer of an *inherently dangerous* article owes a duty of care to all to whom it may come even in the absence of a contractual relation. *Thomas* v. *Winchester,* 6 N. Y. 397. The liability in such cases is not confined to manufacturers, but is placed also upon one who, without proper inspection, puts upon the market an inherently dangerous article. *Johnson* v. *Cadillac Motor Car Co.,* 261 Fed. 878. The principal case extends the analogy to the case of a bailor who bails an inherently dangerous article which injures a third party with whom the bailor had no contractual relations. The Rhode Island court had previously held that an automobile is not an instrumentality dangerous *per se, Colwell* v. *Ætna Bottle & Stopper Co.,* 33 R. I. 531; but now qualifies that by holding that an automobile with a defective part so vital as the steering gear becomes inherently dangerous to other parties traveling on the highway. See Note 18, MICH. L. REV. 676.

TRIAL PRACTICE—OFFICER'S RETURN ON SUMMONS NOT CONCLUSIVE.—Plaintiff alleged that judgment by default was taken against him in a case in which he had no notice of the pendency of the action in any manner or form and that he had a good defense. The sheriff's return stated that plaintiff had been served with summons. *Held,* a sheriff's return is not conclusively true against a direct attack on a judgment where the defendant had no knowledge whatever of the pendency of the suit and where no rights of third parties are jeopardized. *Nuttalburg Smokeless Fuel Co.* v. *First National Bank* (W. Va., 1921), 109 S. E. 766.

The common-law rule was that a sheriff's return was conclusive. A party injured by a false return had his only remedy in a suit against the sheriff making the false return. The basis for the rule has been explained in various ways. It is sometimes said that the sheriff is a sworn officer to whom the law gives credit. *Tillman* v. *Davis,* 28 Ga. 494. If that is sound, then the law should give as much credit to his statement when suit is brought against him as it does when the return is attacked. Again, it is said that his sworn statement is a matter of record; but this reason is unsound because matters of record are often subject to be disproved. BIGELOW, ESTOPPEL (Ed. 6), p. 38. The principal case explains it as follows: "When the verity rule was anciently formulated the sheriff was a high and important officer, the king's own representative, armed with the king's writ, and partaking of the king's fiction that he could do no wrong." The rule "was followed by many states, including Virginia, without consideration of its reasonableness or its adaptability to changed conditions." The most log

ical explanation, however, is that advanced in 16 COL. L. REV. 287, where it is said that the action against the sheriff was given first and the common-law, being stingy of remedies, refused to give another by allowing the return to be attacked. In an excellent review of the cases in the various states the principal case points out that this common-law rule has been abandoned in twenty-one states, abolished by legislation in six others, and modified materially by the courts in seven others. Eight states, including West Virginia, still retain the rule. The common-law rule is clearly inequitable. If applied in the principal case, it would allow a plaintiff to retain $5,000 to which he was not entitled and make the sheriff liable to the defendant in like amount for serving process on a former president and shareholder of a corporation instead of the present president, to whom the former had sold out. The former West Virginia decisions, in upholding the rule, recognized it as a harsh rule, but said its harshness is "offset by the great inconvenience that would arise from uncertainty of judicial judgments and decrees" if any other rule were followed. *Milling Co.* v. *Read,* 76 W. Va. 557, 569. But Justice Lively, in the principal case, replies: "Experience, the great practical test, has demonstrated that no harm to the stability and certainty of judgments and decrees has resulted in the jurisdictions where the common-law rule of verity in the return has been abolished." It is gratifying to see a court take so progressive an attitude, and overruling its former decisions without waiting for legislation, abandon an inequitable rule founded upon no reasonable basis. For a complete discussion of this subject, see a leading article, entitled "THE SHERIFF'S RETURN," by Edson R. Sunderland, 16 COL. L. REV. 281, from which most of the material in the opinion in the principal case was obtained.

TRIALS—RIGHT OF COUNSEL TO QUESTION JURORS AS TO THEIR INTEREST IN LIABILITY INSURANCE COMPANY.—In an action for damages for personal injuries the plaintiff's counsel examined the jurors on their *voir dire,* and asked them as to their business relations with surety or casualty companies. On appeal the defendant contended that this line of questioning was improper, since whether the defendant was insured was immaterial and prejudicial, and the examination was calculated to present this improper matter to the jury. *Held,* the questions were proper, since they were pertinent in determining whether the jurors were biased, and the case would not be reversed in the absence of a showing that counsel abused their privilege by making it a mere excuse to communicate improper matter. *Wilson* v. *St. Joe Boom Co.* (Idaho, 1921), 200 Pac. 884.

When the question whether an insurance company is interested in the action is presented directly by the examination of witnesses, it is clearly immaterial and prejudicial. This has been held prejudicial and reversible, although the trial judge sustained objections to the questions and instructed the jury to disregard the implications from such questions. *Cosselmon* v. *Dunfee,* 172 N. Y. 507; *Stratton* v. *Nichols Lumber Co.,* 39 Wash. 323. Some courts hold it reversible error to introduce even a suggestion that an insurance company is interested in the suit by questioning jurors as to their